

Fireworks Procedures

The following procedures are issued for informational purposes and in order to explain and clarify KRS regulations pertaining to fireworks (KRS 227.700 to 227.990), and the City of Frankfort Ordinance pertaining to fireworks (Chapter 93, Sections 93.65-93.69)

Part 1 is the explanation, Part 2 is the City application to sell consumer fireworks, Part 3 City application for public display of fireworks, and Part 4 is a portion of the state permit for public display of fireworks permit.

Part One:

FIREWORKS

Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, detonation or ignition.

CONSUMER FIREWORKS

Fireworks that are suitable for use by the public which are designed primarily to produce visible and audible effects by combustion, deflagration, detonation or ignition, and contain 50 milligrams ("mg."), or less of explosive composition, and if an aerial device, contains 130 mg. or less of explosive composition which comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission.

Such fireworks include, but are not limited to the following:

1. Ground and Hand-Held Sparkling Devices:

a. Dipped Stick-Sparkler or Wire Sparkler: Consists of a metal wire or wood dowel that has been coated with pyrotechnic composition, which upon ignition, produces a shower of sparks. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with Department of Transportation regulations.

b. Cylindrical Fountain: Cylindrical tube containing not more than 75 grams of pyrotechnic composition, where upon ignition, a shower of and sometimes a whistling or smoking effect, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

c. Cone Fountain: Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch.

d. Illuminating Torch: Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base or hand-held. When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by distance of at least one-half inch.

e. Wheel: A pyrotechnic device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain no more than 60 grams of pyrotechnic composition. No wheel may contain more than 200 grams, total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.

f. Ground Spinner: Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by

the rapidly spinning device. g. Flitter Sparkler: Narrow paper tube attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function; h. Toy Smoke Device: Small plastic or paper item containing not more than 100 grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

i. Snakes/Glow Worms: Pressed pellet of pyrotechnic compositions that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. Such devices may NOT contain mercuric thiocyanate.

2. Aerial Devices:

a. Sky Rockets and Bottle Rockets: Cylindrical tube containing not more than 20 grams of pyrotechnic composition. Sky rockets contain a wood stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight.

b. Missile-Type Rocket: A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.

c. Helicopter/Aerial Spinner: A tube containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.

d. Roman Candles: Heavy paper or cardboard containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

e. Mine, Shell: Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect). Upon ignition, "stars," components producing reports containing up to 130 mg. of explosive composition per report, or other devices are propelled into the air. The term "mine" refers to a device with no internal components containing a bursting charge, and term "shell" refers to a device that shells in a kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission.

3. Audible Ground Devices:

a. Firecrackers/Salutes: Small paper-wrapped or cardboard tube containing not more than 50 mg. of pyrotechnic composition. Those used in aerial devices may contain not more than 130 mg. of explosive composition per report. Upon ignition, noise and a flash of light is produced.

b. Chaser: Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 mg.

4. Trick Noise Makers:

Item that produces a small report intended to surprise the user. These devices include:

a. Party Popper: Small plastic or paper item containing not more than 16 mg. of explosive composition, that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

b. Booby Trap: Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

c. Snapper: Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes producing a small report.

d. Trick Match: Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match a small report or a shower of sparks is produced.

e. Cigarette Load: Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

f. Auto Burglar Alarm: Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 mg. may also be used to produce a small report. A squib is used to ignite the device.

DISPLAY FIREWORKS

Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, detonation or ignition. This term includes, but is not limited to, firecrackers containing more than two grains (130 mg.) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as "Consumer Fireworks." Such definition meets the Consumer Product Safety Commission definition for display fireworks in 16 C.F.R. Pts. 1500 and 1507 and are classified as Class B explosives by the United States Department of Transportation.

ANCILLARY FIREWORKS RETAILER

Shall mean any person, business entity, association, or corporation of any kind which is open to the public year round and at least 20 calendar days per month, and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell only those fireworks as described in the "Consumer Fireworks" section 1& 3 of SOP 400.2, and which such sales are ancillary to its primary course of business.

PERMANENT FIREWORKS RETAILER

Shall mean any person, business entity, association or corporation of any kind which is open to the public year round and at least 20 calendar days per month, and, which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell any Consumer Fireworks as its primary course of business.

SEASONAL FIREWORKS RETAILER

Shall mean any person, business entity, association, or corporation which is not considered a Permanent Fireworks Retailer, and which offers for sale, exposes for sale, sells at retail or wholesale, or keeps with intent to sell any Consumer Fireworks.

SALE OF DISPLAY FIREWORKS

It shall be unlawful for any person, firm, corporation or other entity to offer for sale, expose for sale, sell at retail, keep or possess with the intent to sell any display fireworks within the City of Frankfort.

USE OF DISPLAY FIREWORKS

It shall be unlawful for any person, firm, corporation or other entity to use or detonate any display fireworks within the City of Frankfort except as follows:

1. Pyrotechnic devices and distress signals for marine, aviation and highway use in emergency situations.
2. Blank cartridges used in a show or theater or for use as a signal or ceremonial purpose in athletics, sports, or for military commemoration or ceremony.
3. Pyrotechnic devices authorized for use under the supervision of a military organization.
4. Pyrotechnic devices for use in training by fire service, law enforcement, or similar governmental agencies.
5. Fireworks for agricultural purposes under the direct supervision of the United States Department of the Interior or any equivalent agency.
6. Supervised public displays of fireworks by municipalities or other organizations conducted by a competent display operator to be approved by the Frankfort Fire Chief and who shall have the qualifications and meet the requirements set

forth in KRS Chapter 227 and further provided that organizations other than the City of Frankfort shall be required to pay a permit fee of \$250 which may be waived in the sole discretion of the City of Frankfort and apply for the permit not less than 15 days prior to the event.

7. Display fireworks shall only be used at times specifically authorized by the City of Frankfort.

Permit Applications for supervised public display of fireworks are obtained and processed by the State's Housing, Building, and Construction Department, which contains a specific form that must also be signed by the Fire Chief.

SALE OF CONSUMER FIREWORKS

1. The sale of consumer fireworks shall be permitted in the City of Frankfort with the exception of the sales set forth in SOP 400.2 "Consumer Fireworks" (Section 2, A-F "Aerial Devices") in which sales are prohibited.

2. Notwithstanding the foregoing, consumer fireworks may not be offered for sale, exposed for sale, sold at retail, kept or possessed with intent to sell if said fireworks have as part of their devices any wings, fins or other mechanisms designed to cause the devices to fly or are designed to operate as aerial devices or if said consumer fireworks carry a cautionary label which includes in their description any of the following terms: "explosive," "emits flaming pellets," "flaming balls," "firecrackers," "report" or "rocket."

3. It shall be unlawful for any person under the age of 18 to sell or possess with intent to sell or display consumer fireworks.

4. It shall be unlawful for any person, firm, corporation or other entity to employ any person under the age of 18 for the sale of consumer fireworks within the City of Frankfort.

5. It shall be unlawful for any person, firm, corporation or other entity to give, offer for sale or sell any consumer fireworks to any person who is under the age of 18 years within the City of Frankfort.

6. It shall not be a violation of this subchapter for any person, firm, corporation or other entity to transport within the City of Frankfort consumer or display fireworks, so long as such products are being transported through the City of Frankfort to a location where such products can be sold, stored or used in compliance with law. Commercial transportation of all fireworks are required to be in accordance with city, state and federal regulations regarding explosive materials.

7. In addition to a City of Frankfort business license, any person, firm, co-partnership, or corporation desiring to sell consumer fireworks within the City of Frankfort shall comply with the requirements of the Commonwealth of Kentucky and obtain a permit to sell consumer fireworks from the City of Frankfort Fire Department at least 15 days prior to offering consumer fireworks for sale at the site for which the permit is intended. A permit fee of \$250 shall be paid to the City of Frankfort for each permit required for a Seasonal Fireworks Retailer (which seasonal permit shall expire 30 days after the date of issuance), and a permit fee of \$1,000 shall be paid to the City for each permit required for a Permanent Fireworks Retailer (which permanent permit shall expire 365 days after the date of issuance). A copy of the permit shall be posted on site. No permit shall be issued unless the applicant shall give bond or evidence of liability insurance deemed adequate by the City of Frankfort in the sum of not less than \$1,000,000. If any person, firm, co-partnership, or corporation has more than one site, a permit shall be required for each additional site complying with said provisions required above. Any failure to comply with the provisions of this subchapter shall result in the revocation of this permit and such permit will be held to be void or forfeited by that business. Exempt from the aforesaid permitting requirements are Ancillary Fireworks Retailers.

8. The location of any temporary structure or retail display for the purpose of displaying for sale any consumer fireworks, such as a tent, booth, makeshift stand, or retail shelf shall not be within 100 feet of any combustible or flammable dispenser, or within 50 feet of any combustible structure, or within 50 feet of any combustible or flammable liquid container, or within 25 feet of any noncombustible structure.

a. Fire Safety Requirements for temporary structures or retail displays permitted or authorized to sell fireworks.

b. Fire Extinguishers will be required in accordance with NFPA # 10 Standards as referenced by the current adopted Kentucky Standards of Safety.

- c. No Smoking signs will be posted, and there will be no open flame devices permitted within 100 feet of said temporary structure. No demonstration of Fireworks will be permitted near or around the display of fireworks for sale.
- d. All temporary electrical wiring will be required to meet NFPA # 70 Standards as referenced by the current adopted Kentucky Standards of Safety.
- e. All retail sales and storage of pyrotechnic material must follow NFPA # 1123, 1124, 1125, 1126 and 1127 which is the current adopted National Fire Protection Association Code Book by the State of Kentucky.

USE OF FIREWORKS

1. Except as set forth in this subchapter, it shall be unlawful in the City of Frankfort for any person, firm, corporation or other entity to use or detonate fireworks on private property in such manner as to create a circumstance of wanton endangerment or disorderly conduct.
2. It shall be unlawful in the City of Frankfort for any person, firm, corporation or other entity other than as duly authorized by the City, to use or detonate any fireworks on City of Frankfort property **except for products previously defined in SOP 400.2 Sections 1&3 "Consumer Fireworks"**.
3. Consumer Fireworks may only be used, ignited, fired, or exploded between the hours of 10:00 a.m. and 10:00 p.m., except, that they may be used, ignited, fired, or exploded between the hours of 10:00 a.m. on December 31st to 1:00 a.m. on January 1st, and also between the hours of 10:00 a.m. and midnight on the following dates or holidays: July 3rd, July 4th, and Memorial Day. However, in the event the City of Frankfort Fire Chief determines that a high hazard condition exists, the Fire Chief may issue an emergency order pursuant to KRS Chapter 227 prohibiting the use of fireworks while the high hazard condition exists.
4. Notwithstanding any provision herein to the contrary, and regardless of the day of the week on which July 4th falls, persons may use, ignite, fire, or explode Consumer Fireworks on any date specifically named or designated by the Board of Commissioners of the City of Frankfort, Kentucky as the date to celebrate Independence Day for the City, if other than the actual date of July 4th

Part Two: Fireworks Permit for the Sale of Consumer Fireworks:



**CITY OF FRANKFORT
FIREWORKS PERMIT**

DATE OF ISSUE: _____

This is to certify that _____ is authorized to sell those
Operator Name

“Consumer Fireworks” only as described in Frankfort Fireworks Ordinance No. 5, 2012 Series, FIREWORKS will be sold at the following location.

BUSINESS NAME: _____

LOCATION: _____

EMERGENCY CONTACT NUMBER: _____

PERMIT TYPE: ☐ SEASONAL ☐ PERMANENT

THIS PERMIT SHALL BE POSTED IN PLAIN VIEW AT THE SPECIFIED LOCATION;
FAILURE TO HAVE THIS PERMIT DISPLAYED WILL RESULT IN CANCELLATION OF
THIS PERMIT.

This permit cost is \$250.00 (Seasonal) \$1,000.00 (Permanent) and is effective for 30 days from date of issue, unless it is revoked at an earlier date by the Frankfort Fire Chief or his designated representative. It is illegal to sell or offer for sale, at Retail any item carrying any of the following cautionary labels stated in the Frankfort Fireworks Ordinance No. 5, 2012 Series: “EXPLOSIVE”, “EMITS FLAMMING PELLETS”, “FLAMING BALLS”, “FIRECRACKERS”, “REPORT”, “ROCKET”, OR HAS WINGS, FINS OR MECHANISM THAT WOULD CAUSE THE DEVICE TO FLY. Prohibited Fireworks include but are not limited to: Sky Rockets, Bottle Rockets, Missiles, Helicopter/Aerial Spinners, Roman Candles, Mine Shells, Aerial Shells, Firecrackers/Salutes, Chasers, and Display Fireworks.

PERMIT # _____ DATE OF EXPIRATION: _____

APPROVED BY: _____

NOTE: Permit not final and valid until site inspection and sales approval.

TITLE: _____

DATE OF INSPECTION: _____ Approved By: _____
Title: _____

Part Three: City Fireworks Permit for Supervised Public Display of Fireworks



APPLICATION FOR PERMIT PUBLIC DISPLAY OF FIREWORKS (Revision 8/2018)



Application Name _____ Phone Number () _____
(Group, individual or organization sponsoring the event)

Address of Applicant _____ Email: _____
(Street) (City) (State) (Zip Code)

Date/Time of Display _____ Alternate Date/time _____ (Rain/wind date/time)

Location of Production* _____ Frankfort, KY 40601

* Must provide written letter of approval from property owner attached &

Type of Production: ☐ Outdoor ☐ Indoor

Indoor & Outdoor display of pyrotechnics before a proximate audience shall comply with NFPA 1126 (current adopted edition) and NFPA 1123 (current adopted edition) Flame Effect devices shall comply with NFPA 160 (current adopted edition) and KRS 227.

Permits are granted at the sole discretion of the local official having jurisdiction. This document must be completed and signed by the FIRE CHIEF or FIRE MARSHAL.

THE FOLLOWING INFORMATION AND DIAGRAM SHALL BE PROVIDED:

- Submit an application and Fee of \$250 payable to the "City of Frankfort"
- A copy of the ATF license and résumé the pyrotechnic operator and list of any assistants
- CERTIFICATE OF INSURANCE for the production. (SEE INSURANCE REQUIREMENTS ADDENDUM)
- Written approval from the Property Owner, authorizing firework discharges from their property.
- Place and manner of storage for pyrotechnic devices.
- Certification that the set, scenery and rigging materials are flame retardant or equivalent and meets KRS.
- Diagram of the Grounds or Facilities where the production is to be held indicating the following:
 - Location of control equipment or fire location
 - Location of devices and approximate distance to audience, structures, and any roadways within 200'.
 - Fallout radius of each device used in the production
 - site plan showing location and distance requirements per NFPA 1123 (2010) -Table 5.1.3.1
- * Minimum distance for any consumer fireworks show is 200' from any structure, vehicle, or any other person - KRS 227.715 (11)(b)

This application and required information shall be submitted for review 20 days prior to the event.

Signature of Applicant Print Name Date

PERMIT IS HEREBY GRANTED PURSUANT TO KRS 227.710 (1)

Signature of Fire Chief or Fire Marshal

Date Approved

Conditions: _____

Part Four: Fireworks Permit for Public Display of Fireworks – obtained from the State Housing Building & Construction Department.



APPLICATION FOR SUPERVISED PUBLIC DISPLAY OF FIREWORKS

Applicant Name _____ Phone Number _____
(Group, Individual or Organization Sponsoring the Event)

Address of Applicant _____
(Street) (City) (State) (Zip)

Approximate Number and Kinds of Fireworks to be Displayed _____

Manner and Place of Storage of Fireworks Prior To Delivery to Outdoor Display Site: _____

Address/Phone Number or **Retailer/Wholesaler** Fireworks to Be Purchased From: _____

Name of **Company** or **Individual** Supervising Display _____
Please attach a complete **RESUME** of the Operator's Experience (or License)

Number of Assistants _____ Date _____ Time of Display _____
(Beginning & Ending) **A.M. / P.M.**

****Exact Location (INCLUDING DIAGRAM) of Display** _____
(Street) (City) (County)

Fire Department Having Jurisdiction Frankfort Fire Department
Address 300 West Second Street Frankfort, KY Phone Number (502) 875-8511

The proposed display will conform with all laws of the Commonwealth of Kentucky and applicant agrees to comply with the standards as set forth in NFPA 1123 (current edition).

Signature of Applicant
(PLEASE SIGN & PRINT)

PERMIT IS HEREBY GRANTED PURSUANT TO KRS 227.710

Signature of Fire Chief/Mayor/County Judge Executive
(PLEASE SIGN & PRINT)

A copy of this application must be filed with the Division of Fire Prevention within **fifteen (15) days of Display**.

NOTICE OF APPLICANT:

Permits are granted at the sole discretion of the Local Official having jurisdiction. This document must be completed and approved by the Fire Chief, Mayor or County Judge/Executive having jurisdiction where the DISPLAY is to be conducted. (A diagram must be attached to this application showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communication, the lines behind which the audience will be restrained and the location of possible overhead obstructions). Applicant shall give bond or evidence of liability insurance deemed adequate by the official to whom application for the permit is made, in a sum not less than one million dollars (\$1,000,000). KRS 227.720.

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